

## DEPARTMENT OF SOCIAL SERVICES



744 P Street, Sacramento, CA 95814

December 23, 1992

ALL-COUNTY LETTER NO. 92-115

TO: ALL COUNTY WELFARE  
DIRECTORS-----  
REASON FOR THIS TRANSMITTAL

- [ ] State Law Change |
  - [ ] Federal Law or Regulation  
Change
  - [X] Court Order
  - [ ] Clarification Requested by |  
One or More Counties
  - [ ] Initiated by SDSS
- 

SUBJECT: Green v. Anderson (Relocation Family Grant - RFG)

REFERENCES: ACIN 1-49-92, I-54-92, ACL 92-98

On December 21, 1992 the American Civil Liberties Union, the Coalition of California Welfare Rights Organizations, Inc, and the Legal Aid Society of San Mateo filed a suit named Green v. Anderson in U.S. District Court in Sacramento requesting that Manual of Policy and Procedures (MPP) Section 89-402.4 be invalidated. The Plaintiffs assert that the provision is unconstitutional. MPP Section 89-402.4 mandates that the state pay applicants, who have not resided in California for a year prior to application, the maximum aid payment of the prior state of residence, (referred to as the Relocation Family Grant [RFG]) or the California computed grant, whichever is less. On December 22, 1992, the Court issued a Temporary Restraining Order (TRO) (copy attached) which prohibits the state and the counties from continuing to apply MPP Section 89-402.4.

**A. IMPLEMENTATION**

The TRO requires counties to immediately:

- (1) cease applying MPP 89-402.4,
- (2) identify those assistance units negatively affected by this regulation:

Applicants who were approved, received benefits (including Homeless and Immediate Need) and as a result received the lesser RFG grant:

Pay prorated supplemental benefits due to the client for the period after the issuance of the TRO (December 22, 1992 through December 31, 1992). Counties must immediately issue a supplemental payment to the affected assistance units for that period. Grants to be issued for January 1, 1992 must also be adjusted to insure that the California aid payment rate is issued.

Applicants who applied on or after December 1, 1992 and prior to December 22, 1992 and have not yet been approved:

Pay the appropriate California aid payment rate until the county receives further instructions.

Applicants who apply after December 22, 1992:

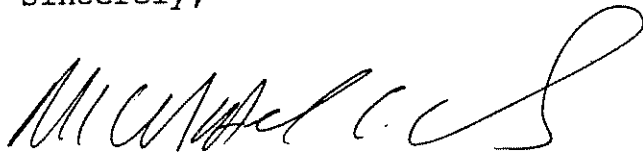
Pay the appropriate California aid payment rate until the county receives further instructions.

#### B. REPORTING

The State Department of Social Services will continue to litigate this case. To simplify future implementation, counties are to flag the above identified cases pending a final outcome. In addition, cases that receive the California aid payment grant but would have received a different rate under MPP section 89-402.4 must be flagged to enable the collection of an overpayment if the state prevails in future litigation. Counties are to continue to use the current supplemental forms to identify these cases.

The State Department of Social Services apologizes for the short implementation timeframe but the Court has ordered immediate compliance with its Order. If you have any questions about this Court Order or its implementation, please call Mr. Vincent Toolan at (916) 654-1808.

Sincerely,



MICHAEL C. GENEST  
Deputy Director  
Welfare Programs Division

Attachment

ORIGINAL

FILED

DEC 22 1992

U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
DEPUTY CLERK

1 SARAH E. KURTZ (State Bar No. 99881)  
HOPE G. NAKAMURA (State Bar No. 126901)  
2 PETER H. REID (State Bar No. 45808)  
LEGAL AID SOCIETY OF SAN MATEO COUNTY  
3 298 Fuller Street  
Redwood City, CA 94063

4 (415) 365-8411

5 MARK D. ROSENBAUM (State Bar No. 59940)  
SILVIA R. ARGUETA (State Bar No. 144400)  
6 AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF  
SOUTHERN CALIFORNIA  
7 1616 Beverly Blvd.  
Los Angeles, CA 90026

8 (213) 977-9500

9 GRACE A. GALLIGHER (State Bar No. 106687)  
COALITION OF CALIFORNIA WELFARE RIGHTS  
10 ORGANIZATIONS, INC.  
1901 Alhambra Blvd., 2nd Floor  
Sacramento, CA 95816

11 (916) 736-0616

12 Attorneys for Plaintiffs

LODGED

14  
DEC 21 1992  
15

K.L. WAGNER, CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK SHAWN GREEN, DEBBY VENTURELLA, and )  
DIANA P. BERTOLTT, on behalf of )

18 themselves and all others similarly )  
situated, )

19 Plaintiffs, )

20 v. )

21 ELOISE ANDERSON, individually and )  
22 in her official capacity as Director, )  
California Department of Social )  
23 Services; CALIFORNIA DEPARTMENT OF )  
SOCIAL SERVICES; THOMAS HAYES, )  
24 Director, California Department of )  
Finance; )

25 Defendants. )  
26 )  
27 )  
28 )

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIV-S-92-2118 DFL

CIVIL NO.

JFM

CLASS ACTION

~~PROPOSED~~ <sup>TS</sup>  
TEMPORARY  
RESTRaining ORDER

1 Upon reading the Complaint filed herein, as well as the  
2 supporting exhibits and memorandum of points and authorities, the  
3 Court finds that defendants' policy and practice of paying lesser  
4 AFDC grants to California residents who have not resided in  
5 California for twelve consecutive months prior to applying for  
6 aid than defendants pay to other California AFDC recipients will  
7 cause plaintiffs irreparable injury before this matter can be  
8 heard on noticed motion.

9 The Court further finds that plaintiffs have demonstrated ~~that~~ <sup>AND THAT THE</sup>  
10 ~~probability of success~~ <sup>NOT SERIOUS QUESTIONS ARE RAISED</sup> on the merits in their claims ~~that~~  
11 ~~defendants' policy and practice of failing to pay full California~~ <sup>BALANCE OF HARSHIPS TIPS SHARPLY ~~SHARPLY~~ IN PLAINTIFFS' FAVOR WITH RESPECT TO</sup>  
12 ~~defendants' policy of failing to~~

13 AFDC grants to some California residents, based solely on the  
14 duration of their residency in California, <sup>WHICH MAY</sup> violated the guarantee  
15 of equal protection, the right to travel, and the Privileges and  
16 Immunities clause of the United States Constitution.

17 It appearing to the satisfaction of the Court that this is a  
18 proper cause for granting a temporary restraining order, now,  
19 therefore,

20 IT IS HEREBY ORDERED THAT, pending the hearing on the order  
21 to show cause, defendants and their agents, assignees and  
22 successors in interest are enjoined from implementing: 1) Section  
23 11450.03(a) of the California Welfare and Institutions Code; 2)  
24 regulations promulgated pursuant to section 11450.03(a) of the  
25 California Welfare and Institutions Code, including but not  
26 limited to M.P.P. E.A.S. § 89-402.4; and 3) All-County Letter  
27 ("ACL") 92-98 and All-County Information Notice ("ACIN") I-54-92  
28 to the extent that the ACL or ACIN deny standard California AFDC  
benefits to members of the plaintiff class or determine an AFDC

1 benefit in whole or in part by reference to the AFDC grant in any  
2 other state or territory.

PRIOR TO 5:00 P.M. *MP*

3 IT IS FURTHER ORDERED that defendants will, ~~within~~  
4 ~~ON DECEMBER 23, 1992,~~  
5 ~~three hours of the issuance of this Order or as soon thereafter~~  
6 ~~as possible~~, by facsimile transmission, electronic mail, telegram  
7 or night letter, notify the counties and county welfare directors  
8 of this Order, and instruct them to stop the implementation of  
9 the policy enjoined herein.

TEN CALENDAR

10 IT IS FURTHER ORDERED that, within ~~five~~ <sup>TEN CALENDAR</sup> days, defendants  
11 shall issue an All-County Letter to the same effect, and  
12 defendants shall <sup>provide</sup> ~~consult with~~ plaintiffs' counsel <sup>with a copy</sup> ~~in the~~  
13 ~~development of the All-County Letter~~ <sup>thereof</sup>.

14 IT IS FURTHER ORDERED that plaintiffs will be permitted to  
15 proceed in this matter without posting bond or any other  
16 security.

17 IT IS SO ORDERED.

18 Dated: DECEMBER 22, 1992

19 *Forrest H. DeLoach*  
20 UNITED STATES DISTRICT JUDGE  
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